

# COMMITTEE REPORT

## MADAM PRESIDENT:

**The Senate Committee on Pensions and Labor, to which was referred Senate Bill No. 72, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:**

- 1 Delete the title and insert the following:
- 2 A BILL FOR AN ACT to amend the Indiana Code concerning state
- 3 offices and benefits.
- 4 Page 1, between the enacting clause and line 1, begin a new
- 5 paragraph and insert:
- 6 "SECTION 1. IC 4-8.1-2-4 IS AMENDED TO READ AS
- 7 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 4. **(a) The individual**
- 8 **elected as treasurer of state shall take office on January 1 following**
- 9 **the individual's election.**
- 10 **(b)** The treasurer of state and ~~his~~ **the treasurer's** deputy treasurers
- 11 shall each give bond in an amount determined by the auditor of state
- 12 and the governor. The bond shall be conditioned on the faithful
- 13 performance of the duties as treasurer of state and deputy treasurer,
- 14 respectively. The bond must be procured from a surety company
- 15 authorized by law to transact business in this state.
- 16 SECTION 2. IC 5-10-10-4, AS AMENDED BY P.L.2-2007,
- 17 SECTION 84, AS AMENDED BY P.L.132-2007, SECTION 4, AND
- 18 AS AMENDED BY P.L.227-2007, SECTION 56, IS CORRECTED
- 19 AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,

2008]: Sec. 4. As used in this chapter, "public safety officer" means any of the following:

- (1) A state police officer.
- (2) A county sheriff.
- (3) A county police officer.
- (4) A correctional officer.
- (5) An excise police officer.
- (6) A county police reserve officer.
- (7) A city police reserve officer.
- (8) A conservation enforcement officer.
- (9) A town marshal.
- (10) A deputy town marshal.
- (11) A probation officer.
- (12) A state ~~university, college, or junior college~~ educational institution police officer appointed under ~~IC 20-12-3.5~~ IC 21-39-4.
- (13) A police officer whose employer purchases coverage under section 4.5 of this chapter.
- (14) An emergency medical services provider (as defined in IC 16-41-10-1) who is:
  - (A) employed by a political subdivision (as defined in IC 36-1-2-13); and
  - (B) not eligible for a special death benefit under IC 36-8-6-20, IC 36-8-7-26, IC 36-8-7.5-22, or IC 36-8-8-20.
- (15) A firefighter who is employed by the fire department of a state university.
- (16) A firefighter whose employer purchases coverage under section 4.5 of this chapter.
- (17) A member of a consolidated law enforcement department established under IC 36-3-1-5.1.
- (18) A gaming agent of the Indiana gaming commission.
- (19) A person who is:
  - (A) employed by a political subdivision (as defined in IC 36-1-2-13); and
  - (B) appointed as a special deputy under IC 36-8-10-10.6.
- (20) A gaming control officer of the Indiana gaming commission.
- (21) An eligible chaplain who meets the requirements of section 4.7 of this chapter.**

SECTION 3. IC 5-10-10-4.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 4.7. (a) As used in this section, "eligible chaplain" means an individual who is appointed or officially designated to serve, with or without compensation, as a chaplain of any of the following:**

(1) A law enforcement agency (as defined in IC 4-33-2-11.6).

(2) A full-time police department of a political subdivision (as defined in IC 36-1-2-13).

(3) A full-time fire department of a political subdivision (as defined in IC 36-1-2-13).

(4) A volunteer fire department (as defined in IC 36-8-12-2).

(5) A sheriff's department of a county.

(b) An eligible chaplain who dies as a direct result of personal injury or illness resulting from the eligible chaplain's performance of duties as a chaplain for the agency or department that the eligible chaplain was appointed or officially designated to serve is eligible for a special death benefit from the fund in the same manner as any other public safety officer is eligible for a benefit from the fund.

SECTION 4. IC 5-10.2-1-8, AS AMENDED BY P.L.88-2005, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 8. (a) Except as provided in subsection (b), "vested status" as used in this article means the status of having ten (10) years of creditable service.**

(b) In the case of a person who is an elected county official whose governing body has provided for the county official's participation in the public employees' retirement fund under IC 5-10.3-7-2(1), "vested status" means the status of having:

(1) at least eight (8) years of creditable service as an elected county official in an office described in IC 5-10.2-4-1.7;

(2) been elected at least two (2) times if the person would have had at least eight (8) years of creditable service as an elected county official in an office described in IC 5-10.2-4-1.7 had the person's term of office not been shortened under a statute enacted under Article 6, Section 2(b) of the Constitution of the State of Indiana; or

(3) at least ten (10) years of creditable service as a member of the

fund based on a combination of service as an elected county official and as a full-time employee in a covered position.

(c) In the case of a person whose term of office commences after the election on November 5, 2002, as auditor of state, secretary of state, or treasurer of state, and who is prohibited by Article 6, Section 1 of the Constitution of the State of Indiana from serving in that office for more than eight (8) years during any period of twelve (12) years, that person shall be vested with at least eight (8) years of creditable service as a member of the fund.

**(d) This subsection applies to an individual elected to the office of treasurer of state at the election on November 7, 2006. The individual is vested for purposes of this article if the individual is reelected as treasurer of state at the 2010 general election and serves in the office until January 1, 2015."**

Page 5, between lines 30 and 31, begin a new paragraph and insert:

"SECTION 10. IC 5-10.2-4-1.9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 1.9. (a) This section applies only to a member of the public employees' retirement fund:**

**(1) who has served as a state officer to whom Article 6, Section 1 of the Constitution of the State of Indiana applies; and**

**(2) whose term of office as a state officer commenced after the election held on November 5, 2002.**

**(b) A member is eligible for normal retirement after becoming sixty-five (65) years of age if the member:**

**(1) has:**

**(A) served for at least eight (8) years as a state officer to whom Article 6, Section 1 of the Constitution of the State of Indiana applies; or**

**(B) been elected at least two (2) times and would have served at least eight (8) years as a state officer to whom Article 6, Section 1 of the Constitution of the State of Indiana applies if the member's term of office had not been shortened under a statute enacted to establish uniform dates for beginning the terms of the state officers to whom Article 6, Section 1 of the Constitution of the State of Indiana applies; and**

**(2) is prohibited by Article 6, Section 1 of the Constitution of the State of Indiana from serving in that office for more than eight (8) years in any period of twelve (12) years.**

**(c) A member who:**

**(1) has served as a state officer to whom Article 6, Section 1 of the Constitution of the State of Indiana applies; and**

**(2) does not meet the requirements of subsection (b);**

**is eligible for normal retirement if the member has attained vested status (as defined in IC 5-10.2-1-8(a)) and meets the requirements of section 1 of this chapter."**

Page 9, after line 38, begin a new paragraph and insert:

"SECTION 14. IC 5-13-10.5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) Except as provided in subsection (b), investments under this chapter may be made only in securities having a stated final maturity of two (2) years or less from the date of purchase.

(b) The treasurer of state may make investments in securities having a final maturity or redemption date that is more than two (2) years and not more than five (5) years after the date of purchase or subscription. After an investment is made under this subsection, the total investments outstanding under this subsection may not exceed twenty-five percent (25%) of the total portfolio of funds invested by the treasurer of state. However, an investment that complies with this subsection when the investment is made remains legal even if a subsequent decrease in the total portfolio invested by the treasurer of state causes the percentage of investments outstanding under this subsection to exceed twenty-five percent (25%). The treasurer of state may contract with federally regulated investment advisers and other institutional money managers to make investments under this section. ~~This subsection expires July 1, 2007.~~

(c) Unless prohibited under federal law, the treasurer of state shall invest under subsection (b) the funds of the transportation corridor fund established by IC 8-4.5-3-7. The treasurer of state may invest other funds held by the state in compliance with subsection (b). ~~This subsection expires July 1, 2007.~~

SECTION 15. [EFFECTIVE UPON PASSAGE] **Actions taken after June 30, 2007, and before the passage of this act that would have been valid under IC 5-13-10.5-3, as amended by this act, are**

- 1       **legalized and validated.**
- 2       SECTION 16. **An emergency is declared for this act."**
- 3       Renumber all SECTIONS consecutively.  
      (Reference is to SB 72 as introduced.)

**and when so amended that said bill do pass.**

Committee Vote: Yeas 9, Nays 0.

---

**Kruse**

**Chairperson**